

**Before the State of South Carolina  
Department of Insurance**

**In the Matter of:**

**Melissa R. Henley**

**SCDOI Docket # 06-470**

**ORDER REVOKING  
RESIDENT PRODUCER  
LICENSE**

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Melissa R. Henley, (Producer) resident producer's license.

After careful review of the evidence presented the Department issues the following decision:

**FINDINGS OF FACT**

Producer is currently a South Carolina resident producer.

In the State of South Carolina, the producer failed to remit premiums that she had collected from consumers to The Berkeley Insurance Agency, Inc, on policies had not been issued.

In the State of South Carolina, the producer failed to report change of address to the Department.

In the State of South Carolina the producer failed to respond to the notices of investigation sent by the Department.

**CONCLUSIONS OF LAW**

Pursuant to S.C. Code §38-43-130(A)(C)(4): (A) "The director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has been convicted of a crime involving moral turpitude, has violated this title or any regulation promulgated by the department, or has wilfully deceived or dealt unjustly with the citizens of this State." (C) "The words 'deceived or dealt unjustly with the citizens of this State' include, but are not limited to, action or inaction by the producer as follows:" (4) "improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business." Because Melissa R.

Henley failed to remit premiums collected from a customer, to The Berkeley Insurance Agency, Inc., the Department may place on probation, revoke or suspend Ms. Henley's producer license.

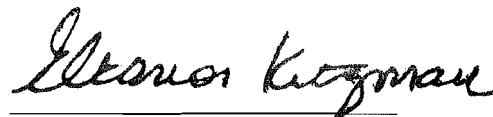
Pursuant to S.C. Code §38-43-240(A) (3): "It is unlawful for a producer, collector, or other person to fail to turn over or satisfactorily account for all collections of the insurer when required." As a result of Melissa R. Henley failure to remit premiums collected to The Berkeley Insurance Agency, Inc., the Department now moves to revoke Ms. Henley's producer license.

Pursuant to S.C. Code §38-43-107(A): "If an individual applies for an insurance producer's license he shall supply the department his business, mailing, and residence street address. The producer shall notify the department within thirty days of any change in legal name or in these addresses." (B) "Failure to inform the insurance director or his designee of a change in legal name or address within this period shall result in a penalty pursuant to Section 38-2-10." Thus, as a result of Melissa R. Henley's failure to notify the Department of her current address, this caused the Department difficulty in corresponding with her.

THEREFORE, it is ordered that Melissa R. Henley, South Carolina resident producer's license shall be revoked thirty (30) days from the date of this order, and no license issued through the State of South Carolina Department of Insurance is to be issued to her, unless Melissa Henley requests in writing within said thirty (30) days period a public hearing before the South Carolina Administrative Law Court.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2006). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2006).



Eleanor Kitzman  
Director of Insurance

Dated this 24 day of January 2007